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**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

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**CARRIE TAYLOR,**

**Plaintiff,**

**VERIFIED COMPLAINT  
AND JURY TRIAL DEMAND**

**-against-**

**INDEX NO. \_\_\_\_\_**

**ASSIGNED JUDGE: \_\_\_\_\_**

**CLEARWATER COUNSELING ASSOCIATES,**

**Defendant.**

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Plaintiff Carrie Taylor, by and through her attorney, Paul N. Cisternino, as and for her Verified Complaint, alleges as follows:

**INTRODUCTION**

1. This is an action against the Defendant for the violation of Plaintiff's federally guaranteed constitutional and civil rights and his rights as otherwise guaranteed under law.

2. Plaintiff seeks monetary compensation and other damages for the wrongful, illegal and unconstitutional acts of the Defendant which violated rights guaranteed to the Plaintiff under various federal and state laws, specifically Title VII of the Civil Rights Act of 1964 as amended by the Equal Employment Act of 1972, 42 U.S.C. §2000 *et seq.*,

and the New York State Human Rights Law, New York Executive Law §290 *et seq.*

3. Plaintiff alleges herein that she was denied the equal terms, conditions and privileges of employment, subjected to discrimination based on race/color and also victimized by an unlawful termination.

### **JURISDICTION AND VENUE**

4. The jurisdiction of this Honorable Court is invoked pursuant to and under 28 U.S.C. §§ 1331, 1343 and 1367.

5. The unlawful acts alleged herein were committed in whole or in part in the Southern District of New York.

### **ADMINISTRATIVE PROCEEDINGS**

6. Plaintiff has satisfied all procedural requirements prior to commencing this action in that she timely filed charges of discrimination with the United States Equal Employment Opportunity Commission and her complaint was dual filed with the New York State Division of Human Rights. The Plaintiff requested and received a written Dismissal from the Commission and the instant complaint has been filed within ninety days of the receipt thereof.

### **PARTIES**

7. Plaintiff at all times relevant herein resided within the State of New York.

8. Upon information and belief the Defendant is an “employer” within the meaning of 42 U.S.C. §2000 *et seq* and New York Executive Law §290 *et seq.*

### **ALLEGATIONS**

9. Plaintiff hereby repeats and realleges each allegation contained in paragraphs “1” through “8” as if fully set forth herein.

10. The Plaintiff is a 34 year-old African American female who had been employed by the Defendant since March 2021, originally employed as an Administrative Assistant and later as a Biller.

11. During her period of working for the Defendant the Plaintiff has always acted in a competent and professional manner, without time, attendance, disciplinary nor negative performance issues of any kind (except as to any such matters under dispute herein).

12. Upon information and belief, the Plaintiff was subjected to various types of discrimination based on her race/color and was also victimized by an unlawful termination.

13. During the time period relevant herein, the CEO of the company with whom the Plaintiff worked closely was Jules Canez (hereinafter “Canez”), a white male; Canez apparently had “issues” with the Plaintiff and Defendant’s other minority employees.

14. Canez often treated the Plaintiff differently from Defendant’s non-minority employees; for example, Canez intensely scrutinized the Plaintiff and was highly critical of her work while he ignored bad work practices and other violations by Defendant’s non-minority employees; he also often addressed the Plaintiff in a harsh and aggressive manner that he never used with non-minority employees, even resorting to using extremely offensive profanity; the workplace was also tainted in other ways by anti-minority animus and discrimination.

15. Since August of 2021, at Canez's request, the Plaintiff had been learning and performing the billing function for the Defendant; however, although the Plaintiff had been promised training it was never provided and she had to, essentially, teach herself; in fact, the Plaintiff had to purchase textbooks at her own expense to facilitate her learning the position; when she pointed out the problems with this situation to Canez he was angered that the Plaintiff had complained and tried to curtail any further complaints.

16. The "event" which precipitated the Plaintiff's termination resulted from Canez being visibly angry at a staff meeting because the Plaintiff took a pre-approved half day off on February 18<sup>th</sup>, which happened to conflict with a training session; however, the request had been properly submitted by the Plaintiff on February 7<sup>th</sup> and had been formally approved in accordance with the Defendant's applicable policies and procedures.

17. In late February 2022 the Plaintiff was suspended without advance warning or notice and then terminated.

18. Even Kim Canez, who was Jules Canez' wife and acted as a general office manager with responsibilities in payroll and human resources, admitted that the Plaintiff's termination should not have taken place.

19. It is the Plaintiff's belief that her termination was unlawful and discriminatory; no progressive discipline was utilized, she was never given an explanation or a formal termination letter, or provided the opportunity to offer an explanation for what allegedly occurred, nor, to the Plaintiff's knowledge, was an investigation ever conducted by the Defendant into the circumstances surrounding Plaintiff's termination.

20. To the Plaintiff's knowledge, if the Defendant has a written anti-discrimination policy, they do not properly post it, distribute it or enforce it nor do they utilize an employee handbook.

21. At the time of her termination, the Plaintiff was making approximately \$38,000 per year; since being terminated, she has been unable to obtain replacement employment, despite her good faith efforts to do so.

**AS AND FOR A FIRST CAUSE OF ACTION BASED ON RACE/COLOR  
UNDER TITLE VII OF THE 1964 CIVIL RIGHTS ACT**

22. The Plaintiff repeats and realleges each and every allegation contained in paragraphs "1" through "21" as though fully set forth herein.

23. By engaging in the foregoing conduct, the Defendant has violated Plaintiff's rights under Title VII, having acted intentionally, with malice, or with reckless disregard for Plaintiff's rights, proximately causing Plaintiff mental anguish, conscious pain and suffering, emotional distress, and the loss of income and other related benefits, thereby entitling Plaintiff to an award of compensatory and punitive damages and an award of reasonable attorney's fees.

**AS AND FOR A SECOND CAUSE OF ACTION BASED ON RACE/COLOR  
UNDER NEW YORK EXECUTIVE LAW §290**

24. The Plaintiff repeats and realleges each and every allegation contained in paragraphs "1" through "23" as though fully set forth herein.

25. By engaging in the foregoing conduct, Defendant has violated Plaintiff's

rights under the State Human Rights Law, having acted intentionally, with malice, or with reckless disregard for Plaintiff's rights, proximately causing Plaintiff mental anguish, conscious pain and suffering, emotional distress, and the loss of income and other related benefits, thereby entitling Plaintiff to an award of compensatory damages.

**PRAYER FOR RELIEF**

**WHEREFORE**, Plaintiff Carrie Taylor respectfully requests that this Court assume jurisdiction herein and thereafter:

1. Award Plaintiff appropriate compensatory and punitive damages in an amount to be defined and determined;
2. Award reasonable attorney's fees and the costs of this action;
3. Award such other and further relief as this Court deems just and proper.

**JURY DEMAND**

Plaintiff demands a jury trial for all claims stated herein.

Dated: Ossining, New York  
December 6, 2022

Respectfully submitted,

Law Office of Paul N. Cisternino, P.C.  
*Attorneys for Plaintiff*

/s/ Paul N. Cisternino  
Paul N. Cisternino (PC-0317)

**UNITED STATES DISTRICT COURT  
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**- Litigation Back -**

